

TOWNSEND and TOWNSEND and CREW LLP

By: Timothy S. Parker
Timothy S. Parker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven W. Dow, et al.

Application No.: 10/780,294

Filed: February 17, 2004

For: SYSTEMIC IMMUNE
ACTIVATION METHOD USING NON
CPG NUCLEIC ACIDS

Customer No. 20350

Confirmation No.: 8023

Examiner: SAJJADI, Fereydoun Ghotb

Art Unit: 1633

FOURTH SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of references AY-BL in compliance with the requirements of 37 CFR §1.98(a)(2) are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicants note that some or all of the references cited in this and in previous Information Disclosure Statements filed on August 25, 2004, November 14, 2005 and June 7, 2007 in the instant application were also made of record via Information Disclosure Statements filed, or in Office Actions issued, in U.S. Patent Application Nos. 09/104,759, filed June 25, 1998, now issued U.S. Patent No. 6,693,086 (Attorney Docket No. 021819-000100US), further 10/012,597, filed November 30, 2001 (Attorney Docket No. 021819-000110US) (now abandoned), 11/320,019, filed December 27, 2005 (Attorney Docket No. 021819-000111US), 10/772,913, filed February 5, 2004 (Attorney Docket No. 021819-000120US) and 10/780,114, filed February 17, 2004 (Attorney Docket No. 021819-000130US). Copies of the Information Disclosure Statements and/or Office Actions in these related cases are available on Public PAIR and are believed to be readily accessible to the Examiner.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Karen B. Dow
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Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	10/780,294	
			Filing Date	February 17, 2004	
			First Named Inventor	Dow, Steven W.	
			Art Unit	1633	
			Examiner Name	SAJJADI, Fereydoun Ghotb	
Sheet	1	of	3	Attorney Docket Number	021819-000200US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	AA	US-5,663,153	09/02/1997	Hutcherson, et al.	
	AB	US-5,705,385	01/06/1998	Bally, et al.	
	AC	US-5,723,335	03/03/1998	Hutcherson, et al.	
	AD	US-5,976,567	11/02/1999	Wheeler, et al.	
	AE	US-5,981,501	11/09/1999	Wheeler, et al.	
	AF	US- 6,194,388 B1	02/27/2001	Krieg, et al.	
	AG	US- 6,207,846 B1	03/27/2001	Krieg, et al.	
	AH	US-6,239,116 B1	05/29/2001	Krieg, et al.	
	AI	US-6,287,591 B1	09/11/2001	Seiple, et al.	
	AJ	US-6,339,068 B1	01/15/2002	Krieg, et al.	
	AK	US-6,406,705 B1	06/18/2002	Davis, et al.	
	AL	US-6,534,484 B1	03/18/2003	Wheeler, et al.	
	AM	US-6,670,186	12/30/2003	Nair, et al.	
	AN	US-2002/0110586 A1	08/15/2002	Madden, et al.	
	AO	US-2002/0119990 A1	08/29/2002	Madden, et al.	
	AP	US-2003/0092228 A1	05/01/2003	Flowers, et al.	
	AQ	US-			
	AR	US-			
	AS	US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	AT				
	AU				
	AV				
	AW				
	AX				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/780,294
		Filing Date	February 17, 2004
		First Named Inventor	Dow, Steven W.
		Art Unit	1633
		Examiner Name	SAJJADI, Fereydoun Ghotb
		Attorney Docket Number	021819-000200US
Sheet	2	of	3

(Use as many sheets as necessary)

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AY	HEMMI, HIROAKI, et al. <i>Nature Immunology</i> (2002) 3(2): 196-200	<input type="checkbox"/>
	AZ	KRIEG, <i>Nature (Lond.)</i> (1995) 374:546-549	<input type="checkbox"/>
	BA	KRIEG <i>Antisense Nucl. Acid Drug Dev</i> (1996) 6:133-139	<input type="checkbox"/>
	BB	LI, Daqing, et al. "Combination Surgery and Nonviral Interleukin 2 Gene Therapy for Head and Neck Cancer", <i>Clinical Cancer Research</i> (1999) 5:1551-1556	<input type="checkbox"/>
	BC	LIU, Y, et al. "Cationic Liposome-mediated intravenous Gene Delivery", <i>J. Biol. Chem.</i> (1995) 270(42):24864-24870	<input type="checkbox"/>
	BD	NABEL, Gary J., et al. "Direct gene transfer with DNA-liposome complexes in melanoma: Expression, biologic activity, and lack of toxicity in humans", <i>Proc. Natl. Acad. Sci. USA</i> (1993) 90:11370-11371	<input type="checkbox"/>
	BE	OUDRHIRI, Noufissa, et al. "Gene transfer by guanidinium-cholesterol cationic lipids into airway epithelial cells <i>in vitro</i> and <i>in vivo</i> ", <i>Proc. Natl. Acad. Sci. USA</i> (1997) 94:1651-1656	<input type="checkbox"/>
	BF	PHILIP, Ramila, et al. " <i>In Vivo</i> Gene Delivery", <i>J. Biol. Chem.</i> (1993) 268(22):16087-16090	<input type="checkbox"/>
	BG	SPARWASSER <i>Eur J. Immunol</i> (1998) 28:2045-2054	<input type="checkbox"/>
	BH	STRIBLING, Roscoe, et al. "Aerosol gene delivery <i>in vivo</i> ", <i>Proc. Natl. Acad. Sci. USA</i> (1992) 89:11277-11281	<input type="checkbox"/>
	BI	WEINER <i>PNAS (USA)</i> (1997) 94:10833-10837	<input type="checkbox"/>
Examiner Signature			Date Considered

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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		<i>First Named Inventor</i>	Dow, Steven W.		
		<i>Art Unit</i>	1633		
		<i>Examiner Name</i>	SAJJADI, Fereydoun Ghotb		
Sheet	3	of	3	<i>Attorney Docket Number</i>	021819-000200US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BJ	WHEELER, C. J. et al. "A novel cationic lipid greatly enhances plasmid DNA delivery and expression in mouse lung", <i>Proc. Natl. Acad. Sci. USA</i> (1996) 93:11454-11459	<input type="checkbox"/>
	BK	ZHAO <i>Antisense Res Dev</i> (1993) 3:53-66	<input type="checkbox"/>
	BL	ZOU, Yiyu, et al. "Effective Treatment of Early Endobronchial Cancer With Regional Administration of Liposome-p53 Complexes", <i>J. Natl. Cancer. Inst.</i> (1998) 90(15):1130-1137	<input type="checkbox"/>
	BM		<input type="checkbox"/>

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